Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Currently amended) A method of treating cancer comprising administering, to a subject having cancer, an adenovirus having mutated VAI and VAII RNA genes, wherein said adenovirus is defective in its VAI and VAII virus-associated RNAs and will selectively replicate in cells of said cancer.

2. (Cancelled)

3. (Currently amended) The method according to Claim 1, wherein said adenovirus further has a mutation in the ~~sequences~~ sequence of at least one gene that controls ~~the genes that control~~ the expression of one or both of the VAI and VAII RNA genes.

4. (Currently amended) The method according to Claim 1, wherein said adenovirus further has mutations ~~in the VA RNA genes~~ in one or more genes of the group E1a, E1b, and E4, to obtain selective replication in tumors.

5. (Previously presented) The method according to Claim 1, wherein said adenovirus has mutations in the VA RNA genes and promoters that regulate one or more genes in the group E1a, E1b, and E4 to obtain selective replication in tumors.

6. (Currently amended) The method according to Claim 1, wherein said adenovirus has mutations in the VA RNA genes to obtain selective replication in tumor cells with an active Ras pathway or unresponsive to ~~the action of~~ interferon.

7. (Currently amended) The method according to Claim 1, wherein said adenovirus further has ~~mutations in the VA RNA genes to obtain selective replication in tumor cells and modifications~~ at least one modification in its capsid to increase its infectivity or to direct it to a receptor present on a tumor cell.

8. (Currently amended) The method according to Claim 1, wherein said adenovirus has mutations in the VA RNA genes that confer selective replication [[on]] in tumor cells and ~~that, in turn, contain~~ further comprises at least one other gene ~~genes commonly used in the field of~~ useful in cancer gene therapy ~~such as prodrug activators, tumor suppressors, or immunostimulants~~.

9. (Currently amended) The method according to Claim 1, wherein said adenovirus is a human adenovirus derived from a serotype between 1 and 50, inclusive, that has both a VAI gene and a VAII gene ~~with genetic mutations in the VA RNAs genes that confer selective replication on tumor cells~~.

10. (Previously presented) The method according to Claim 9, wherein said adenovirus is a human adenovirus derived from serotype 5.

11. (Currently Amended) The method according to Claim 9, wherein said adenovirus is a mutant adenovirus dl331 further comprising a mutation in the VAII RNA gene.

12. (New) The method according to Claim 8, wherein the gene useful in cancer gene therapy is selected from the group consisting of prodrug activators, tumor suppressors, and immunostimulants.

13. (New) The method of claim 1, wherein the subject is a human.

14. (New) The method of claim 4, wherein said mutation in one or more genes in the group of E1a, E1b, and E4 is a mutation in a promoter region.

15. (New) The method of claim 14, wherein said mutation in a promoter region is an insertion of a promoter that is selectively active in tumor cells.

16. (New) The method of claim 1, wherein the cancer cells have an active ras pathway.

17. (New) The method of claim 1, wherein the cancer cells are unresponsive to interferon.

18. (New) The method of claim 1, wherein said mutated VAI and VAII RNA genes comprise one or a combination of (i) a mutation within a VAI or VAII gene; (ii) a mutation in a sequence before a VAI or VAII gene that controls the expression of said gene; or (iii) a mutation in a sequence after a VAI or VAII gene that controls termination of transcription of said gene.

19. (New) The method of claim 1, wherein the adenovirus is a human adenovirus.